

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

RAI STRATEGIC HOLDINGS, :
INC. and R.J. REYNOLDS :
VAPOR COMPANY, :
Plaintiffs/ :
Counterclaim Defendants, : Case No.
v. : 1:20-cv-00393-LO-TCB
ALTRIA CLIENT SERVICES LLC; :
PHILIP MORRIS USA INC.; and :
PHILIP MORRIS PRODUCTS S.A., :
Defendants/ :
Counterclaim Plaintiffs. :

CONFIDENTIAL

VIDEOTAPED DEPOSITION of JAMES FIGLAR, Ph.D.

Friday, June 3, 2022

6:54 a.m. CST

Job No.: 450979

Pages: 1 - 175

Reported By: Michelle M. Yohler, CSR, RMR, CRR

Confidential
Transcript of James Figlar, Ph.D.
Conducted on June 3, 2022

20

1	BY MR. NAPLES:	07:07:55
2	Q And what do you anticipate testifying to	07:07:55
3	in your direct examination?	07:08:00
4	MR. QUINLAN: Object to form. I would	07:08:02
5	just note for the record our objection is a	07:08:04
6	privilege objection.	07:08:08
7	Dr. Figlar, to the extent you can answer	07:08:09
8	that question without revealing any other	07:08:11
9	conversations we've had or privileged	07:08:13
10	conversations we've had, go ahead and do it.	07:08:17
11	BY THE WITNESS:	07:08:18
12	A I think, you know, in essence my testimony	07:08:19
13	is going to be about reduce risk development,	07:08:22
14	overall what Reynolds has done over the years. I	07:08:25
15	have a pretty strong background on the history of	07:08:28
16	what Reynolds has done.	07:08:31
17	And then obviously talk about the specific	07:08:32
18	patents that are in this litigation. Of course	07:08:35
19	you and I have talked about that in detail in the	07:08:40
20	past. I don't think those facts changed. So I'm	07:08:43
21	prepared to discuss those issues and answer	07:08:46
22	questions with regard to that.	07:08:49

1 So that -- I think that will be, you know,
2 pretty high-level summary of what my -- my direct
3 is going to focus on.

4 BY MR. NAPLES:

5 Q Sure. When you say "discuss the patents,"
6 what do you mean?

7 A Well, I mean, the -- the patent issues
8 that are, you know, at large in this case, you
9 know, with regard to how is -- how our products
10 constructed, do they -- not -- you know, what is
11 the comp- -- what is the composition of our
12 products versus what's stated in the patents.

13 And so I'll certainly be able to talk
14 about how our products differ than -- than what is
15 in the patent --

16 Q Are you intending -- sorry. Are you
17 intending to offer an opinion that the accused
18 products do not practice a particular limitation
19 in any of the patents?

20 MR. QUINLAN: Object to form. Calls for a
21 legal conclusion. Beyond the scope.
22

07:08:50

07:08:57

07:09:00

07:09:01

07:09:01

07:09:03

07:09:07

07:09:08

07:09:13

07:09:18

07:09:23

07:09:25

07:09:28

07:09:30

07:09:36

07:09:38

07:09:41

07:09:44

07:09:48

07:09:50

07:09:53

1 engineers would make sure the specs are all lined
2 up and all that kind of stuff, but...

3 Q Who knows more about the technical details
4 of the Vuse products, you or Mr. Hunt?

5 MR. QUINLAN: Object to form. Beyond the
6 scope. Speculation.

7 BY THE WITNESS:

8 A Yeah, I mean, I don't know what -- what
9 Mr. Hunt knows. But my guess is he's probably got
10 a better handle on the technical specifications of
11 the -- of the products than I would.

12 If you want to ask me detailed questions
13 about individual pieces and parts, that's probably
14 not me. I can talk generally about the technical
15 aspects of the product, how they work, what the
16 public health aspects are, you know, general
17 knowledge about the overall technology that goes
18 into them, what kinds of -- you know, does it have
19 software, what kind of software.

20 I mean, I know those things. But if you
21 want to get down into the dirty details about how
22 each individual component works and functions,

09:30:03

09:30:05

09:30:08

09:30:15

09:30:19

09:30:20

09:30:21

09:30:21

09:30:23

09:30:30

09:30:33

09:30:36

09:30:38

09:30:41

09:30:47

09:30:51

09:30:58

09:31:01

09:31:04

09:31:06

09:31:07

09:31:12

Confidential
Transcript of James Figlar, Ph.D.
Conducted on June 3, 2022

138

1	that's probably not me.	09:31:14
2	Q Okay.	09:31:16
3	MR. NAPLES: The -- well, it's 10:30 so	09:31:19
4	unfortunately we have to take a short -- a short	09:31:21
5	break because of this court hearing. So let's go	09:31:23
6	off the record, and I'll talk to Mr. Quinlan a	09:31:26
7	bit.	09:31:29
8	THE VIDEOGRAPHER: Okay. We're going off	09:31:29
9	the record. The time is 9:31.	09:31:32
10	(WHEREUPON, a recess was had.)	10:41:52
11	THE VIDEOGRAPHER: The time is 10:41.	10:41:52
12	We're on the record at the start of Recording 4.	10:41:58
13	BY MR. NAPLES:	10:42:04
14	Q Dr. Figlar, when you spoke to the	10:42:05
15	individuals after your retirement at Reynolds and	10:42:06
16	you talked about earlier this -- kind of this	10:42:11
17	strategic vision. I think you mentioned some Velo	10:42:13
18	products; is that what you refer to them as?	10:42:22
19	A Velo.	10:42:25
20	Q Velo. Yeah, and what are those?	10:42:26
21	A Velo products. Velo.	10:42:28
22	Q And what are those?	10:42:31